

Appl. No. 10/089,350
Atty. Docket No. 8276
Amdt. Dated July 13, 2004
Reply to Final Office Action of June 25, 2004
Customer No. 27752

REMARKS

Claim 1 has been amended to require that the applicator have a Ratio of Absorbency of the second side to the first side of at least about 1.5. Support for the current Amendment is found in Claim 10, as originally presented. Claim 12 has been amended to change its dependency from Claim 10 to Claim 11. New Claims 17-20 have been added. Support for new Claim 17 is found on page 19, ll. 20-23, of the Specification, as originally filed. Support for new Claim 18 is found on page 20, ll. 9-10, of the Specification, as originally filed. Support for new Claim 19 is found on page 11, ll. 7-13, of the Specification, as originally filed. Support for new Claim 20 is found on page 15, ll. 15-21, of the Specification, as originally filed. No new matter has been presented in amended Claims 1 and 11 or new Claims 17-20. Claims 1-20 remain pending in the instant Application and are presented for the Examiner's reconsideration in light of the above Amendments and the following comments.

Allowed Claims

The Examiner has indicated that Claims 10, 13, and 14 have been allowed. Applicants thank the Examiner for this determination.

Telephonic Interview

Applicants thank the Examiner for the telephonic interview of July 12, 2004. Applicants discussed the Examiner's current objection to Claims 11, 12, and 15 under 37 C.F.R. §1.75(c). Pursuant to the discussion during the interview, Applicants believe the dependent claims to be of proper dependent form inasmuch as they narrow the subject matter of the previous claim and are therefore compliant with 37 C.F.R. §1.75(c).

Applicants also discussed the current Amendment to Claim 1 and the presentation of additional claims dependent from allowed Claim 10. In accordance with this discussion, Applicants provide the Amendments and new claims herein.

Objections to the Claims

The Examiner has finally objected to Applicants' Claims 11, 12, and 15 under 37 C.F.R. §1.75(c) as being of improper dependent form. Pursuant to Applicants' telephonic interview, discussed *supra*, and inasmuch as the claims as originally presented further narrow the subject of the superior claim, Applicants respectfully request removal of the Examiner's objection to Claims 11, 12, and 15.

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Rejections Under 35 U.S.C. §103

Claims 1-4 and 6-9 were finally rejected under 35 U.S.C. §103(a) over Koumbas, UK Patent Application No. GB 2,134,371A in view of Fahrenkrug, US Patent No. 4,891,258. Additionally, Claims 1-4 and 6-9 were finally rejected under 35 U.S.C. §103(a) over Brammer, EU Patent Application No. 0,638,277A1 in view of Fahrenkrug. Previous arguments made with respect to the *Koumbas* and *Brammer* references remain in effect but will not be repeated for the sake of brevity. Applicants respectfully traverse these rejections for the following additional reasons:

1. Applicants' Claim 1, as now presented by Amendment, claims a disposable, semi-enclosed applicator comprising, *inter alia*, a first side and second side. The applicator is now required to have a Ratio of Absorbency of the second side to the first side of at least about 1.5.

2. The *Koumbas*, *Fahrenkrug* and *Brammer* references are silent with respect to providing an applicator having first and second sides, wherein the applicator has a Ratio of Absorbency of the second side to the first side of at least about 1.5. In fact, there is no suggestion to provide such an applicator having the claimed Ratio of Absorbency.

Due to these considerations, the *Koumbas*, *Fahrenkrug* and *Brammer* references fail to disclose, teach, or even suggest, alone or in combination, each and every element of Applicants' claimed invention. Therefore, Applicants respectfully request withdrawal of the Examiner's 35 U.S.C. §103(a) rejection to Applicants' Claim 1.

Further, because Claims 2-4 and 6-9 each depend directly or indirectly from Applicants' Claim 1, they contain each of its limitations. Therefore, for the reasons cited above with respect to amended Claim 1, Applicants respectfully request withdrawal of the Examiner's 35 U.S.C. §103(a) rejection to Claims 2-4 and 6-9 under 35 U.S.C. §103(a) herewith.

Conclusion

Based on all the foregoing, it is respectfully submitted that each of Applicants' remaining claims is in condition for allowance and favorable reconsideration is requested.

This response is timely filed pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §512. If any additional charges are due, the Examiner is authorized to deduct such charges from Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

Respectfully submitted,

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